

### **AMENDMENTS TO THE DRAWINGS**

Please cancel or omit Figures 7 through 14 and replace Figures 1 through 6 with the attached clean replacement drawing sheets that include amendments. The Examiner raised no objections and mentioned no informalities in the drawings as originally presented, but Applicant submits the amended drawings for better illustration of the substitute specification. The drawing amendments consist solely of (1) cancellation of superfluous drawings, (2) component renumbering for agreement with the substitute specification, and (3) margin and label correction for compliance with 37 C.F.R. § 1.84.

## **REMARKS**

### **Specification.**

In response to the Examiner's First Office Action objection to the original *pro se* specification, and his repeated and correct observations that the specification was unreadable, Applicant voluntarily submitted a substitute specification according to MPEP § 714.20, believing that the original specification was incapable of amendment sufficient to overcome the Examiner's 35 U.S.C. § 112, first and second paragraph failures. In response to the Examiner's Final Office Action, Applicant has modified and resubmitted the substitute specification.

Examiner correctly pointed out that the discussion of the McGill patent (6,406,248) is best suited for this Remarks section, and it has been removed from the substitute specification. McGill, cited by the Examiner, claims a dolly for lifting, moving, and tilting a cylindrical object, specifically disclosing an embodiment the primary function of which is to hoist a hot water heater into or out of an attic. However, the McGill dolly provides only a vertical hoist; it must be positioned directly underneath an attic opening.

Hoisting an object from a floor into an attic with the McGill dolly requires that a rigid member accessory such as a steel tube or beam as long or longer than the customary height of a standard residential water heater be securely fitted into the top of the McGill dolly that is itself approximately as tall as a water heater. McGill at column 5, line 12. The accessory tube or beam must reach into the attic far enough to enable a worker to unload the hoisted object from the dolly onto the attic floor. Then a "winch or hoist means" must be removed from the top of the McGill dolly and secured to the top of the accessory tube or beam while the lifting cable or band attached to the winch or hoist means remains attached to the platform on which the hoisted object rests while it is being hoisted. McGill at column 3, line 32 and column 5, line 25.

The disclosed operation of the McGill dolly requires that (1) an operator must carefully vertically balance a tall tube or beam, complete with a winch of not insignificant weight fixed to its top, while attempting to insert the bottom end of the tube or beam into the top of a mating member that is part of the dolly resting on the floor

below an attic opening, or (2) the McGill dolly requires two operators, one at floor level to attach or insert the accessory tube or beam, and another in the attic to attach the winch or hoist means to the top of the accessory. A single operator could conceivably attach or insert the accessory and then carry the winch or hoist means into the attic through the same access directly above the McGill dolly, but McGill fails to disclose how that operator could prevent the winch cable attached to the platform on which the hoisted object rests from fouling during the transfer of the winch from its floor position to its attic position. The two winches of the present invention eliminate these two significant shortcomings of the McGill dolly.

Furthermore, because the McGill dolly has no lateral support members, its hoisting capability is strictly vertical. It discloses no angular hoisting capability. It could not be used to hoist objects into an attic equipped with a pull-down staircase. Also, McGill's failure to claim or disclose any support of his accessory tube or beam when it is inside the attic creates a situation of precarious instability when a heavy load is hoisted. The present invention offers novel improvement over these McGill weaknesses.

#### Drawings.

The Examiner did not object to the original drawings or the replacement drawings. However, in his Response to the First Office Action, Applicant cancelled some of the original drawings and submitted replacement drawings for conformance with the substitute specification and in compliance with 37 CFR §§ 1.84 and 1.121. Applicant resubmits the replacement drawings.

#### Claims.

Applicant has cancelled claims 1-16, and 18-20, and has amended claim 17 according to the Examiner's suggestion. Applicant has changed "first handle member" to "support arm 5," and has eliminated any reference to non-manual winches to correct the impression that new matter was added in the substitute specification and claims. The Examiner correctly points out that the claimed telescoping feature of the support member strut appears to lack clear basis in the original disclosure. Applicant respectfully submits that such appearance is merely one example of the previously mentioned inartful drafting that made a substitute specification necessary. In the third paragraph of the original Background, Applicant referred to the retracted position of the stabilizing means

contributing to a low profile of the overall apparatus for transport and storage, and in the second paragraph of the original Detailed Description, Applicant referred to locking mechanisms 33. Those references and the original drawings show the telescoping or folding capability of the support member struts. Applicant now claims only the telescoping feature, and believes the substitute specification as now submitted and the resubmitted replacement drawings bring the amended claims into compliance with 35 U.S.C. § 112, first and second paragraphs.

Request.


Applicant respectfully requests reconsideration and placement of the substitute specification, drawings, and claims as amended in condition for allowance. If the Examiner believes a telephone conference would be helpful to allowance, a telephone conference is respectfully requested.

Fee.

On September 22, 2004, Applicant submitted a Power of Attorney and an Information Disclosure Statement. With those documents Applicant submitted the \$180 fee for late submission of the IDS. Although Applicant believes that no fees are due at this time, the U.S. Patent and Trademark Office is authorized to charge any fees due, in full or in part, to Deposit Account 07-2400 (126198.1).

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
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